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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/847,085 | 05/02/2001 | Daryl Carvis Cromer | RPS920000109US1 | 7195 |
| 42640 | 7590 | 04/26/2006 | EXAMINER | |
| DILLON & YUDELL LLP 8911 NORTH CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759 | | | JACKSON, JENISE E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2131 | |

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/847,085 | CROMER ET AL. | |
| | Examiner | Art Unit | |
| | Jenise E. Jackson | 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 December 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically claims 4, 9, and 14 are rejected under 112 1st, because of the limitations of, “interrogating a plurality of boot devices in sequence according to a priority order until a boot device supplies password information to that of a trusted boot device”. The specification of on page 7, discloses the bios configuration routine is received, the bios software prompts the user to enter a configuration password. Thus, the user must manually enter the password in order to change the order of the boot devices. According to the claims 4, 9, and 14, the boot device supplies the password information. However, according to the specification in respect to the boot order the user supplies the password in order to change the order of the boot devices(see pg. 7).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, claims 4, 9, and 14 are rejected under 112 2nd as failing to point

out and distinctly claim subject matter. Claims are rejected under 112 2nd, for the limitation of, interrogating a plurality of boot devices in sequence according to a priority order until a boot device supplies password information to that of a trusted boot device". The specification discloses the bios configuration routine is received; the bios software prompts the user to enter a configuration password. Thus, the user must manually enter the password in order to change the order of the boot devices(see pg. 7 of specification). However, according to the claims, the boot devices are interrogated in order/sequence to determine which boot device will supply the password information. This is not consistent with the specification. The password of the boot device is supplied by the user to change the order of the boot devices(see pg. 7).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7-8, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearce et al(6,484,308).

7. As per claims 1, 7, Pearce et al. discloses a method in a data processing system for maintaining security during booting of the data processing system(see col. 2, lines 5-10), during a boot process, interrogating a boot device(i.e. hard disk) for password information (see col. 2, lines 13-16); and in response to the boot device supplying password information corresponding to that of a trusted boot device, booting the data processing system utilizing the boot device(see

col. 3, lines 38-67), wherein the booting includes booting the data processing system utilizing the boot device without entry of any of the password information corresponding to that of a trusted boot device by a human user(see col. 3, lines 38-67).

8. As per claims 2, 8, 13, Pearce discloses the password information of the boot device is used which is the manufacturer id, and drive serial number(see col. 3, lines 58-61).

9. As per claim 3, Pearce et al. discloses wherein interrogating the boot device for password information includes startup software interrogating the boot device(see col. 2, lines 13-16).

10. As per claim 7, it is rejected under the same basis as claim 1(see above). Also, Pearce et al. discloses a memory coupled to the processor for communication (see col. 3, lines 23-37), memory includes startup software(see col. 3, lines 35-37).

11. As per claim 12, it is rejected under the same basis as claim 1. Further, claim 12, discloses wherein the startup software causes a data processing system to interrogate the boot device(see col. 2, lines 16-20, col. 3, lines 39-51).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5-6, 10-11, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce et al.

14. As per claims 5, 10, 15, Pearce et al. discloses storing a password in non-volatile storage of the data processing system, inherent in Pearce because Pearce discloses a hard disk(see col. 2,

lines 16-20); and determining that the boot device has supplied password information corresponding to a trusted boot device(see col. 5, lines 18-26). However, Pearce does not disclose hashing(i.e. masking) password information and comparing the hashed password information with the stored password. It is well-known in the art, to hash password information and compare the hash password information with the stored password, the motivation to hash password information is that hashing provides data integrity, because the hash-value is protected.

15. As per claim 6, Pearce et al. discloses obtaining the password by interrogating the boot device for the password information with a password-protected configuration routine(see col. 2, lines 5-20, col. 3, lines 38-62).

16. As per claim 11, Pearce et al. discloses the startup software including a password protected configuration routine that obtains the password by interrogating the boot device for the password information(see col. 2, lines 16-20).

17. As per claim 16, limitations have already been addressed(see claim 3 and 6).

18. Claims 4, 9, and 14 are objected to as being rejected on base claims. Claims are objected to for the features of, “interrogating the boot devices for password information includes interrogating a boot device for a device password in sequence of priority order”.

Response to Applicant

19. Claims 1-16 are still rejected under 112, for “wherein the booting includes booting the data processing system utilizing the boot device without entry of any of the device password corresponding to that of a trusted boot device by a human user”. The Applicant stated that page 7, clarifies the 112 issue, but it does not. On page 7 of the specification, the user enters the password to determine whether or not the device is trusted. The claim states, “**without entry**”,

entry by whom? According to the specification the user enters the password. There is not without entry on page 7, or no where in the specification. If it is without entry to the device, it is not in the specification, and the end of the claims states by a **human user**. **Which means the human user is the one, who is not entering the password.** Therefore, 112 stands.

20. The Applicant states that Pearce does not disclose or suggest, “interrogating a boot device for a device password”, and “in response to the boot device supplying the device password corresponding to that of a trusted boot device, booting the data processing utilizing the boot device”. The Examiner disagrees with the Applicant. The computer system of Pearce interrogates the boot device(i.e. hard drive), Pearce discloses when the computer system boots, the system management mode(SMM) software is invoked which powers on the boot device(i.e. hard drive) and reads the unique drive identification(i.e. password) information from the drive(see col. 2, lines 13-16). Pearce discloses when the computer system boots, the computer system performs a POST(Power On Self Test), and then invokes the SMM. The SMM powers on the hard drive and reads the drive identification information(see col. 4, lines 37-57). Pearce discloses that the invention includes a system and method which ensures that the drive inserted or used in the computer system is the drive used to boot the computer(see col. 4, lines 12-14). Therefore, as stated before in previous office action, Pearce discloses that the boot device is a trusted boot device by supplying the correct password information, which is the unique drive identification and serial number(see paragraph 19, of previous action).

21. The Applicant states that merely obtaining the unique drive identification of serial number of the hard disk drive does not in itself determine whether the boot device is a trusted boot device. The Applicant states that any hard disk drive can be utilized to boot the computer

system in Pearce. The Examiner disagrees with the Applicant. Pearce discloses that the unique identification number and a drive serial number are both unique to an individual hard drive(see col. 3, lines 58-67). Also, Pearce discloses that the unique identification information is used to ensure that a drive different than the drive used to boot the computer system is not inserted into the computer system(see col. 3, lines 62-65). Therefore, both of the Applicant's arguments are moot, any disk drive **can not be** utilized to boot the computer system in Pearce, another hard drive **cannot be** inserted into the computer system, because it will not have the unique drive identification and serial number that was used to boot the system. Once the computer is booted with this identification information, it is stored and therefore, the hard drive cannot be swapped for another hard drive(see col. 2, lines 13-64).

22. Pearce does disclose interrogating a device upon resume/power management functions(see col. 5, lines 6-17). However, Pearce **also discloses that** "interrogating a boot device for a device password", and "in response to the boot device supplying the device password corresponding to that of a trusted boot device, booting the data processing utilizing the boot device", because Pearce discloses when the **computer system boots the hard drive is read for unique drive identification**(see col. 2, lines 13-19).

Final Action

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


April 21, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER


4/24/06